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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,350	10/06/2003	Joerg Bischof	6570P004	5644

8791 7590 06/30/2006

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/680,350

Applicant(s)

BISCHOF ET AL.

Examiner

Chuck O. Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. This is in response to Application filed 10/06/03.
2. Claims 1 – 23 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Morshed et al. USPN 6,721,941 B1.

Regarding claim 1, Morshed anticipates a method for testing an application comprising:

assigning a first logical name to a first target system, associating with the first logical name of the first target system a first communication channel and a second communication channel (37: 55 – 65, see registering and establish a communication channel with each system, also see unique identifier (*logical name*) and process identifier, also see 49:18 – 28 for second communication channel);

executing a test script having one or more commands for testing the application (69:1 – 15, see program being tested);

in response to encountering a first command within the test script that identifies the first target system with the first logical name, detecting a command type of the command, and selecting between the first communication channel and the second communication channel based on the detected type of command (49:39 – 43, see “As part of this process, the server system establishes the collector communication channel between the client collector and the server collector using information as included in the remote procedure call”); and

executing the first command on the application on the first target system using the selected communication channel (70:10 – 13).

Regarding claim 2, the method as in claim 1 wherein the first communication channel comprises a remote function call ("RFC") communication channel and wherein the second communication channel comprises a hypertext transport protocol ("HTTP") communication channel (40:40 – 50, see function call, and also see HTTP send\_request call).

Regarding claim 3, the method as in claim 2 wherein the first command type a function call directed at a functional module of the application and wherein the first communication channel is selected in response to the function call (40:30 – 60, see collectors and communication and send\_request call).

Regarding claim 4, the method as in claim 2 wherein the first command type is a presentation layer command directed at a presentation layer associated with the application and wherein the second communication channel is selected in response to

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the presentation layer command (49:55 – 60, see user interface and display also see 49: 18 – 25, for second channel).

Regarding claim 5, the method as in claim 1 further comprising:

in response to encountering a second command within the test script that identifies the first target system with the first logical name, detecting a type of the second command, and selecting between the first communication channel and the second communication channel based on what type of command the second command is (49:25 – 43, for “command”, see call routing information); and

executing the second command on the application on the first target system using the selected communication channel (49:37 – 43, see establishing communication channel between client and server collector).

Regarding claim 6, the method as in claim 1 further comprising:

assigning a second logical name to a second target system, associating with the second logical name of the second target system a third communication channel and a fourth communication channel (49:35 – 40, see establishes communication channel to each system);

in response to encountering a second command within the test script that identifies the second target system with the second logical name, detecting what type of command the second command is, and selecting between the third communication channel and the fourth communication channel based on what type of command the second command is (49:33 – 43, see information may include system address); and

executing the second command on the application on the second target system using the selected communication channel (49:15 – 20)

Regarding claim 7, the method as in claim 6 wherein the first communication channel is the same as the third communication channel and wherein the second communication channel is the same as the fourth communication channel (70:1 – 5, shows using shared memory as communication channel).

Regarding claim 8, which claims similarly to claim 1 (method wherein) see rationale as disclosed in claim 1.

Regarding claim 9, the system as in claim 8 wherein the test control program executes the first command on the application on the first target system using the selected communication channel (70:10 – 13).

Regarding claim 10, the system as in claim 8 further comprising:  
a test data container to store a plurality of parameters associated with each command, the test control program extracting the parameters from the test data container and executing each of the commands on the application a plurality of times using a different parameter for each execution (31:57 – 63).

Regarding claim 11, the system version of claim 2, see rationale above as previously discussed.

Regarding claim 12, the system version of claim 3, see rationale above as previously discussed.

Regarding claim 13, the system version of claim 4, see rationale above as previously discussed.

Regarding claim 14, the system version of claim 5, see rationale above as previously discussed.

Regarding claim 15, the system version of claim 6, see rationale above as previously discussed..

Regarding claim 16, the system version of claim 7, see rationale above as previously discussed.

Regarding claim 17, the article of manufacture version of claim 1, see rationale above as previously discussed.

Regarding claim 18, the article of manufacture version of claim 2, see rationale above as previously discussed.

Regarding claim 19, the article of manufacture version of claim 3, see rationale above as previously discussed.

Regarding claim 20, the article of manufacture version of claim 5, see rationale above as previously discussed.

Regarding claim 21, the article of manufacture version of claim 6, see rationale above as previously discussed.

Regarding claim 22, the article of manufacture version of claim 7, see rationale above as previously discussed.

Regarding claim 23, the article of manufacture version of claim 8, see rationale above as previously discussed.

#### **Correspondence information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Chuck Kendall 6/26/06